IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.4271 of 1999

Between:

P.Ravi Sankar S/o.Anjaneyulu,
D.No.6-13-101, 13/3 Arundalpet,
Guntur

..... PETITIONER

AND

1 Controller of Examinations, Nagarjuna University,
Nagarjuna Nagar, Guntur District.
2 The Principal, Hindu College, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the action of the respondent in not receiving the application for appearing the Final year B.Com., examinations which are going to be held from 16th March, 1999 is illegal, arbitrary, unlawful unjust and unconstitutional against principles of natural justice and consequently directing the respondents to receive the application for appearing the final year B.Com., examinations which are going to be held from 16th March 1999 and pass such other order.

Counsel for the Petitioner: MR.G.VIJAYA BABU

Counsel for the Respondent No.1: MR.T.S.HARINATH, S.C. FOR NAGARJUNA UNIVERSITY.

Counsel for the Respondent No.2: MR.G.V.L.N.MURTHY

The Court made the following:

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ORDER:

The petitioner was a student of B.Com. When the examinations were conducted in September, 1998, a criminal case being Crime No.309 of 1998 for the offence under Section 419 read with 34 of the Indian Penal Code was registered against one Ganti Mahapatra Eswara Sarma (Accused No.1) and the petitioner herein (AccusedNo.2) on allegation that the said Eswara Sarma was impersonating the petitioner and writing the examination for the petitioner. Be that as it is, on the eve of examinations in March, 1999, the respondents refused to receive the application of the petitioner for the examinations scheduled from 16.03.1999.

This Court admitted the writ petition on 5.3.1999. By order of even date made in WPMP No.5362 of 1999 issued interim direction, which was made absolute on 10.6.1999. By reason of the interim direction, it appears that the petitioner has already appeared for the examinations from 16.3.1999. In that view of the matter, nothing survives and this writ petition is become infructuous.

The learned Counsel for the petitioner Sri G. Vijaya Babu submits that on 15.3.1999, the Controller of the Examinations informed that the petitioner will be permitted to appear for the examinations from 16.3.1999 subject to withholding of results till the finalisation of the Court Case. If the petitioner is aggrieved by the withholding of the results, he ought to have filed a separate writ petition but he did not do so. In this writ petition, the petitioner cannot be allowed to agitate the said issue. The relief prayed in this writ petition has already been given and the writ petition is accordingly dismissed as infructuous.

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Date : AUGUST 25, 2004. **V.V.S. RAO, J**

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Controller of Examinations, Nagarjuna University,
Nagarjuna Nagar, Guntur District.
2 The Principal, Hindu College, Guntur.

3 Two CD copies.